



AF ZGW

Docket No.: KCC-15,171

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Amy L. FLETCHER, et al.

Serial No.: 09/784,292

Filing Date: 15 February 2001

Title: GARMENT HAVING REMOVABLE SIDE  
PANELS

Confirmation No. 2228

Customer No. 35844

Group No.: 3761

Examiner: K. Reichle

RESUBMISSION OF APPEAL BRIEF UNDER 37 CFR 41.37

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

As a result of a telephone call from Examiner Reichle on 05 April 2005, it has come to Applicants' attention that the Appeal Brief filed by Applicants on 29 October 2004 for the above-referenced patent application has not been forwarded to the Examiner. Applicants are hereby submitting a copy of the originally filed Appeal Brief.

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

April 5, 2005

4/5/05  
Date

  
Signature

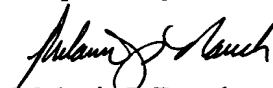
On 29 October 2004, Applicants timely filed an Appeal Brief Under 37 CFR 41.37 and a self-addressed, return-receipt postcard via first-class mail with the United States Postal Service, certified by Certificate of Mailing signed by the undersigned. Applicants subsequently received the self-addressed, return-receipt postcard showing receipt of the Appeal Brief by the Patent and Trademark Office on 03 November 2004.

Enclosed herewith is a copy of the Appeal Brief showing the Certificate of Mailing certifying that the Appeal Brief was mailed to the United States Patent and Trademark Office on 29 October 2004. Also enclosed is a copy of the self-addressed, return-receipt postcard indicating transmittal of the Appeal Brief and showing receipt of the Appeal Brief by the Patent and Trademark Office on 03 November 2004.

Applicants timely filed an Appeal Brief pursuant to the Notice of Appeal filed 30 August 2004 in the present application utilizing the Certificate of Mailing procedures. Consideration of the Appeal Brief is hereby requested.

Since the fee required by 37 CFR 41.37(a)(2) and 37 CFR 41.20(b)(2) was previously submitted with the original filing of the Appeal Brief, no fee is enclosed with this Resubmission of the Appeal Brief.

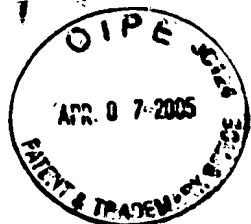
Respectfully submitted,



Melanie I. Rauch

Registration No. 40,924

Pauley Petersen & Erickson  
2800 West Higgins Road  
Suite 365  
Hoffman Estates, Illinois 60195  
(847) 490-1400  
FAX (847) 490-1403



Docket No.: KCC-15,171

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Amy L. FLETCHER, et al.

Serial No.: 09/784,292

Filing Date: 15 February 2001

Title: GARMENT HAVING REMOVABLE SIDE  
PANELS

Confirmation No. 2228

Customer No. 35844

Group No.: 3761

Examiner: K. Reichle

**APPEAL BRIEF UNDER 37 CFR 41.37**

Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants herewith file their Appeal Brief in the above-identified case, pursuant to their Notice of Appeal filed 30 August 2004.


**1. REAL PARTY IN INTEREST**

The real party in interest is Kimberly-Clark Worldwide, Inc., the assignee of the present application (as recorded at reel 012548, frame 0505).

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Board of Patent Appeals and Interferences, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on

October 29, 2004

10/29/04  
Date

  
Signature

## 2. RELATED APPEALS AND INTERFERENCES

Applicants are not aware of any related appeals or interferences with regard to the present application.

## 3. STATUS OF CLAIMS

Claims 1-40 are pending in the application. The present Appeal is directed to Claims 1-40, which were finally rejected in an Office Action mailed 30 April 2004.

## 4. STATUS OF AMENDMENTS

No amendment to the claims was filed subsequent to the most recent final rejection. An amendment to Fig. 8 was filed in response to the most recent final rejection to overcome the Examiner's objection to Fig. 8. The drawing amendment was not approved by the Examiner.

## 5. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention is directed to an absorbent garment 20 having a chassis 32 that includes a front panel 22 and a back panel 24. (Page 14, lines 8-10; Figs. 1-3). The absorbent garment 20 also includes a pair of removable side panels 34, each having a waist edge 72 that is non-parallel with a leg edge 70 when the side panels 34 are in a laid flat configuration. (Page 29, lines 16-19; Figs. 1 and 4-7). The side panels 34 are releasably connected to the front and back panels 22, 24 along refastenable seams extending from a waist opening 50 to a leg opening 52. (Page 15, lines 2-10; Figs. 1 and 8). Together, the side panels 34 and chassis 32 define the waist opening 50 and two leg openings 52. (Page 15, lines 16-19; Fig. 1).

In certain embodiments, the chassis 32 can be made of predominantly flushable or disposable materials while the side panels 23 can be durable. (Page 18, lines 15-19). More particularly, the outer cover 40, the body side liner 42, and/or the absorbent assembly 44 may be flushable. (Page 20, lines 18-21; Page 23, lines 12-13; Page 27, lines 1-2). Alternatively, the side panels 34 may be disposable and, for example, may include a wipe material, or a material that renders the side panels 34 suitable for use as wipes. (Page 31, lines 6-8).

The releasably-connected side panels 34 each include fastening components incorporated therein, either in the form of separate fastening components 82 or in the form of fastening material 86 forming at least a portion of the side panels, such that one fastening component on each side panel 34 can be releasably engaged with a mating fastening component incorporated into the front panel 22 of the chassis 32 and another fastening component on each side panel 34 can be releasably engaged with a mating fastening component 84 incorporated into the back panel 24 of the chassis 32; similarly, the mating fastening components can be in the form of either separate mating fastening components 84 or in the form of mating fastening material 88 forming at least a portion of the chassis 32, such as the outer cover 40. (Page 15, lines 2-13; Figs. 1 and 4-8).

Each of the fastening components 82 may include a hook material while each of the mating fastening components 84 includes a loop material; alternatively, each of the fastening components 82 may include a loop material while each of the mating fastening components 84 includes a hook material. (Page 32, lines 4-8). As another alternative, two of the fastening components 82 and two of the mating fastening components 84 may each include a hook material, and two of the fastening components 82 and two of the mating fastening components 84 may each include a loop material. (Page 32, lines 8-12). The fastening components 82 and mating fastening components 84 can be located on inner or outer surfaces 28, 30 of the respective side panels 34 and front and back panels 22, 24 in any suitable combination. (Page 38, line 10 – Page 39, line 4).

#### 6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1) Claims 1-2, 5-12, 14-21, 23, 25, 27, 29-30, 34, and 36-39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kuen* (U.S. Patent No. 5,304,162, hereinafter "*Kuen '162*") in view of *Keuhn, Jr. et al.* (U.S. Patent No. 5,374,262, hereinafter "*Keuhn, Jr.*") and *Sauer* (U.S. Patent No. 5,624,428).

2) Claims 13, 31-33, and 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kuen '162*, *Keuhn, Jr.*, and *Sauer* as applied to Claims 10, 21, and 34 supra, and further in view of *Yeo* (U.S. Patent No. 5,509,913) and *Wallach* (U.S. Patent No. 4,944,734).

3) Claims 3 and 35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kuen '162*, *Keuhn, Jr.*, and *Sauer* as applied to Claims 1 and 34 supra, and further in view of *Kuen* (U.S. Patent No. 5,423,789, hereinafter "*Kuen '789*").

4) Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Kuen '162*, *Keuhn, Jr.*, and *Sauer* as applied to Claim 1 supra, and further in view of *LaFortune et al.* (U.S. Patent No. 5,669,901, hereinafter "*LaFortune*").

5) Claims 22, 24, 26, and 28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kuen '162*, *Keuhn, Jr.*, and *Sauer* as applied to Claim 21 supra, and further in view of *Ygge et al.* (U.S. Patent No. 5,549,593, hereinafter "*Ygge*").

## 7. ARGUMENT

### I. Claims 1-2, 5-12, 14-21, 23, 25, 27, 29-30, 34, and 36-39 are non-obvious under 35 U.S.C. 103(a) based on the teachings of *Kuen '162*, *Keuhn, Jr.*, and *Sauer*.

In the final Office Action, mailed 30 April 2004, the Examiner rejected Claims 1-2, 5-12, 14-21, 23, 25, 27, 29-30, 34, and 36-39 under 35 U.S.C. 103(a) as being unpatentable over *Kuen '162* in view of *Keuhn, Jr.*, and *Sauer*.

#### A. Claims 1-2, 6-12, 14-21, 23, 25, 27, 29-30, 34, 36-37, and 39

Applicants' invention as recited in independent Claims 1, 21, and 34 requires an absorbent garment to include a pair of side panels that are releasably connected to a chassis, and further requires each of the side panels to have a waist edge that is non-parallel with a leg edge when the side panels are in a laid flat configuration. As explained at page 29, lines 16-19, of the specification, the leg end edge of each side panel can have a curvature, as shown in Figs. 4-7, to allow the leg openings to conform about a wearer's legs.

*Kuen '162* discloses a fastening system for absorbent articles that includes a pair of relatively narrow strap members that connect a front waist region of a garment to a back waist region of the garment. The strap members are generally rectangular in shape. Thus, the waist edge of each strap member is parallel with the leg edge of each strap member when the strap members are in a laid flat configuration.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

Comparing the figures in the present application to the figures in *Kuen '162*, it is clear that the strap members 40 in *Kuen '162* are not equivalent to Applicants' side panels 34. As pointed out by the Examiner, *Kuen '162* states that the pleated region 50 of each strap member 40 may be rectangular in shape, "although other shapes are also possible." However, *Kuen '162* fails to disclose or suggest any other shapes. The most logical shape of the pleated region 50 is rectangular because rectangular is the shape that is illustrated and described in detail in *Kuen '162*. There is no suggestion in *Kuen '162* that these other shapes would include a waist edge that is non-parallel with a leg edge, and there is no motivation in *Kuen '162* to use strap members that have a waist edge that is non-parallel with a leg edge.

More particularly, Applicants explain that the reason for having a curved leg end edge of each side panel is to allow the leg openings to conform about a wearer's legs. In comparison, the side panels in the present application are longer in the longitudinal direction (i.e., have a greater waist-to-leg width) than the strap members in *Kuen '162*. The strap members in *Kuen '162* rest on a wearer's hips, thus a leg end edge of the strap members does not extend down to a wearer's legs, whereas Applicants' side panels extend from a wearer's hips down to the wearer's legs.

Applicants describe the dimensions of the side panels 34 as having an average length dimension measured parallel to the longitudinal axis 48 (waist-to-leg) that is about 20 percent or greater, and particularly about 25 percent or greater, of the overall length dimension of the absorbent article, also measured parallel to the longitudinal axis 48. Examples of suitable waist-to-leg length dimensions of Applicants' side panels are listed as about 10 centimeters or greater, such as about 15 centimeters (Page 29, lines 9-16). In contrast, *Kuen '162* shows the pleated region 50 of the strap members 40 as having a width that is about the same as the other regions of the strap members, and gives examples of this width as only about 1.27 to 7.62 centimeters (Col. 5, lines 59-61). Since the leg edges of the strap members in *Kuen '162* do not extend down to a wearer's leg,

there is no motivation in *Kuen '162* to modify the leg edge of the strap members to conform about a wearer's legs.

Another requirement for establishing a prima facie case of obviousness is that the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on Applicants' disclosure.

*Keuhn, Jr.*, also discloses a fastening system for absorbent articles that includes a pair of relatively narrow strap members that connect a front waist region of a garment to a back waist region of the garment. As in *Kuen '162*, the strap members in a first embodiment of *Keuhn, Jr.*, are generally rectangular in shape, with a waist edge that is parallel to a leg edge when the strap members are in a laid flat configuration. The width of the strap members in *Keuhn, Jr.*, is suitably 1 to 4 centimeters (Col. 5, lines 39-42). *Keuhn, Jr.*, discloses a second embodiment (Col. 9, line 45 – Col. 10, line 34) in which the strap members project transversely outward from the back waist section, and are *not* releasably connected to the back waist section but instead are permanently connected to (or integral with) the back waist section and releasably connected to the front waist section.

Fig. 6 in *Keuhn, Jr.*, illustrates this second embodiment as having strap members with parallel edges along the waist edge and the leg edge in the refastenable front region and in the middle of the strap member, and the leg edge curves downward toward the leg opening in the back region where the strap member extends from the back waist region. Both the first embodiment and the second embodiment of *Keuhn, Jr.*, clearly suggest that the strap portions, including the refastenable portions, of the strap members have parallel waist and leg edges. In the first embodiment wherein both ends of the strap member are refastenable, there is no suggestion or motivation in *Keuhn, Jr.*, for the waist and leg edges to be non-parallel. Even in the second embodiment, wherein one end of the strap member is refastenable and the other end of the strap member is permanently attached to or integral with the back waist region, there is no suggestion or motivation in *Keuhn, Jr.*, for the waist and leg edges of the refastenable portions to be non-parallel. It is only the permanently connected area that derives any perceivable benefit from non-parallel strap member edges, the benefit being a larger bond area for a



stronger, more permanent connection between the strap member and the back waist region. Thus, for a less permanent, releasable connection between the strap member and the front waist region, *Keuhn, Jr.*, suggests that parallel waist and leg edges are more suitable for releasably connected strap members.

Like the second embodiment in *Keuhn, Jr.*, *Sauer* also discloses a fastening system for absorbent articles that includes a pair of strap members permanently connected to a back waist region and releasably connected to a front waist region of the garment. Both the attached end 48 and the free (releasably attached) end 50 of the strap member are illustrated as having parallel waist and leg edges. *Sauer* states that the strap member may have any size and shape that provides the desired expansion of the absorbent article, and exemplary of such shapes are rectangular, triangular, square, elliptical and the like. Because one end of the strap member is permanently attached to the garment and the other member is releasably attached to the garment, the same logic present in *Keuhn, Jr.*, with respect to strap shape is applicable to the strap shape in *Sauer*. That is, it is logical to have a greater surface area connection between the strap member and the garment along the permanently bonded area, and a smaller surface area connection between the strap member and the garment along the strap portion and the releasably bonded portion. However, neither *Keuhn, Jr.*, nor *Sauer* provide any suggestion or motivation for the waist and leg edges of the strap members to be non-parallel when both ends of the strap members are releasably attached to the chassis.

The Examiner refers to the "interchangeability" taught by *Keuhn, Jr.*, and *Sauer*. *Keuhn, Jr.*, and *Sauer* disclose interchangeability between strap members that are releasably attached to a chassis at both ends of the strap members, and strap members that are permanently attached to a chassis at one end of the strap members and releasably attached to the chassis at the other end of the strap members. However, it is clear from both of these references that the waist and leg edges of the strap members are only non-parallel when one end of the strap member is permanently attached to the chassis, and the waist and leg edges of the strap members are parallel when both ends of the strap members are releasably attached to the chassis. Thus, *Keuhn, Jr.*, and *Sauer* fail to disclose or suggest any interchangeability between parallel and non-parallel waist and leg edges of strap members when both ends of the strap members are releasably connected to the chassis.

**B. Claims 5 and 38**

With respect to Claims 5 and 38, the Examiner refers to the definition of the verb “wipe” in the American Heritage Dictionary, which defines the term as “To subject to light rubbing or friction, as of a cloth or paper, in order to clean or dry.” Based upon this definition, the Examiner concludes that a cloth or paper is deemed a material or structure capable of use as a wipe, and since *Kuen '162* discloses cloth side panels, the *Kuen '162* device necessarily and inevitably includes the claimed structure. However, Applicants’ use of the term “wipe” refers to a noun whose meaning is well-known to those skilled in the art. Both manufacturers and consumers of absorbent garments are familiar with absorbent wipes, which are often used in conjunction with the changing of a soiled absorbent garment. As explained on page 31, lines 6-9, of the present application, the side panels 34 can include a wipe material, or material that renders the side panels 34 suitable for use as wipes, such that when a care giver changes a wearer’s disposable absorbent garment, the side panels 34 can be used as wipes rather than requiring a separate package of wipes. It is clear that Applicants’ usage of the term “wipe” in Claims 5 and 38 refers to a specific type of product, namely absorbent wipes, which is narrower than the definition of the verb “wipe” suggested by the Examiner. Neither *Kuen '162*, nor *Keuhn, Jr.*, nor *Sauer* discloses or suggests the incorporation of wipe material into the side panels of an absorbent garment.

**C. Conclusion**

*Kuen '162*, *Keuhn, Jr.*, and *Sauer* each disclose strap members that are relatively thin and designed to sit at the top of a wearer’s hips or at the wearer’s waist, as opposed to side panels which extend from a waist opening to a leg opening and cover the wearer’s hips. Furthermore, none of the three cited references, alone or in combination, disclose or suggest side panels that are releasably connected to both a front panel and a back panel with waist edges and leg edges that are non-parallel.

For at least the reasons presented above, Applicants respectfully request the Board to overturn this rejection.

**II. Claims 13, 31-33, and 40 are non-obvious under 35 U.S.C. 103(a) based on the teachings of Kuen '162, Keuhn, Jr., Sauer, Yeo, and Wallach.**

In the final Office Action, mailed 30 April 2004, the Examiner rejected Claims 13, 31-33, and 40 under 35 U.S.C. 103(a) as being unpatentable over *Kuen '162*, *Keuhn, Jr.*, and *Sauer* as applied to Claims 10, 21, and 34 supra, and further in view of *Yeo* and *Wallach*.

Claims 13, 31-33, and 40 are each directed to flushable parts of the chassis of the garment of Applicants' invention. *Yeo* and *Wallach* each disclose flushable or biodegradable compositions, with *Wallach* teaching the use of such materials in absorbent garments. The Examiner suggests that it would be obvious to one of ordinary skill in the art to employ flushable components for at least one, if not all, of the cover, liner, and absorbent of the *Kuen '162* disposable device as taught by *Yeo* and *Wallach*. However, *Kuen '162*, alone or in combination with *Keuhn, Jr.*, and/or *Sauer*, fails to disclose or suggest a pair of side panels that are releasably connected to a chassis, wherein each of the side panels has a waist edge that is non-parallel with a leg edge when the side panels are in a laid flat configuration. Therefore, even if flushable components were employed in the *Kuen '162* disposable device, the combination would still result in a garment having rectangular strap members with *parallel* waist and leg edges when the strap members are in a laid flat configuration.

For at least the reasons presented above, Applicants respectfully request the Board to overturn this rejection.

**III. Claims 3 and 35 are non-obvious under 35 U.S.C. 103(a) based on the teachings of Kuen '162, Keuhn, Jr., Sauer, and Kuen '789.**

In the final Office Action, mailed 30 April 2004, the Examiner rejected Claims 3 and 35 under 35 U.S.C. 103(a) as being unpatentable over *Kuen '162*, *Keuhn, Jr.*, and *Sauer* as applied to Claims 1 and 34 supra, and further in view of *Kuen '789*.

Claims 3 and 35 both recite that each of the fastening components or mating fastening components on the side panels comprises a loop material, and each of the fastening components or mating fastening components on the chassis comprises a hook material. Similar to *Kuen '162*, *Kuen '789* discloses a garment including strap

members that connect a front waist region of the garment to a back waist region of the garment. As shown in Figs. 1 and 3 of *Kuen '789*, the strap members have a generally rectangular shape wherein both the waist edge of the strap and the leg edge of the strap are linear and substantially parallel to each other in a laid flat configuration.

The Examiner suggests that it would be obvious to one of ordinary skill in the art to reverse the components of *Kuen '162* such that the side panel fastener components are loop material while the chassis fastener components are hook material in view of the interchangeability as taught by *Kuen '789*. However, both *Kuen '162*, alone or in combination with *Keuhn, Jr.*, and/or *Sauer*, and *Kuen '789* fail to disclose or suggest a pair of releasably-connected side panels each having a waist edge non-parallel with a leg edge in a laid flat configuration. Therefore, even if the fastening components of *Kuen '162* were reversed, the resulting garment would still have rectangular strap members with parallel waist and leg edges when the strap members are in a laid flat configuration.

For at least the reasons presented above, Applicants respectfully request the Board to overturn this rejection.

**IV. Claim 4 is non-obvious under 35 U.S.C. 103(a) based on the teachings of *Kuen '162, Keuhn, Jr., Sauer, and LaFortune.***

In the final Office Action, mailed 30 April 2004, the Examiner rejected Claim 4 under 35 U.S.C. 103(a) as being unpatentable over *Kuen '162, Keuhn, Jr., and Sauer* as applied to Claim 1 *supra*, and further in view of *LaFortune*.

Claim 4 is directed to a garment including two fastening components and two mating fastening components each comprising hook material, and two fastening components and two mating fastening components each comprising loop material. Similar to *Kuen '162*, *LaFortune* discloses a garment including a pair of strap members that connect a front waist region of the garment to a back waist region of the garment. As shown in Figs. 1 and 6 of *LaFortune*, the strap members have a generally rectangular shape wherein both the waist edge of the strap and the leg edge of the strap are linear and substantially parallel to each other in a laid flat configuration.

The Examiner suggests that it would be obvious to one of ordinary skill in the art to replace the hook fastening components and loop mating fastening components

of *Kuen '162* with fastening components including two hook and two loop material components and mating fastening components including two loop and two hook material components, respectively, in view of the interchangeability as taught by *LaFortune*.

However, both *Kuen '162*, alone or in combination with *Keuhn, Jr.*, and/or *Sauer*, and *LaFortune* fail to disclose or suggest a pair of releasably-connected side panels each having a waist edge non-parallel with a leg edge when in a laid flat configuration. Therefore, even if the fastening components of *Kuen '162* were interchanged, the resulting garment would still have rectangular strap members with parallel waist and leg edges when in a laid flat configuration.

For at least the reasons presented above, Applicants respectfully request the Board to overturn this rejection.

**V. Claims 22, 24, 26, and 28 are non-obvious under 35 U.S.C. 103(a) based on the teachings of *Kuen '162*, *Keuhn, Jr.*, *Sauer*, *Ygge*.**

In the final Office Action, mailed 30 April 2004, the Examiner rejected Claims 22, 24, 26, and 28 under 35 U.S.C. 103(a) as being unpatentable over *Kuen '162*, *Keuhn, Jr.*, and *Sauer* as applied to Claim 21 *supra*, and further in view of *Ygge*.

Claims 22, 24, 26, and 28 are each directed to absorbent garments having a fastening material on an inner surface of the chassis and a mating fastening material on an outer surface of the releasably attached side panels. *Ygge* shows an absorbent garment having fastening material on either an inner surface or an outer surface with a corresponding waist belt having mating fastening material on either an inner surface or an outer surface. As shown in Figs. 2, 3, 6, and 7 of *Ygge*, the waist belt has a generally rectangular shape wherein both the waist edge of the belt and the leg edge of the belt would appear to be linear and substantially parallel to each other in a laid flat configuration.

The Examiner suggests that it would be obvious to one of ordinary skill in the art to replace the chassis outside fasteners and the inside side panel mating fasteners of *Kuen '162* with chassis inside fasteners and side panel outside mating fasteners in view of the interchangeability as taught by *Ygge*.

However, both *Kuen '162*, alone or in combination with *Keuhn, Jr.*, and/or *Sauer*, and *Ygge* fail to disclose or suggest a pair of releasably-connected side panels each having a waist edge non-parallel with a leg edge in a laid flat configuration. Therefore, even if the locations of the fastening components of *Kuen '162* were interchanged, the resulting garment would still have rectangular strap members with parallel waist and leg edges when in a laid flat configuration.

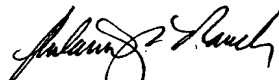
For at least the reasons presented above, Applicants respectfully request the Board to overturn this rejection.

#### 8. CONCLUSION

For the above reasons, Applicants respectfully submit that the rejections posed by the Examiner are improper as a matter of law and fact. Accordingly, Applicants respectfully request the Board reverse the rejection of Claims 1-40.

A check for the fee required by 37 CFR 41.37(a)(2) and 37 CFR 41.20(b)(2), in the amount of \$340.00, is attached hereto. Please charge any additional amount owed, or credit any overpayment, to Deposit Account 19-3550.

Respectfully submitted,



Melanie I. Rauch

Registration No. 40,924

Pauley Petersen & Erickson  
2800 West Higgins Road  
Suite 365  
Hoffman Estates, Illinois 60195  
(847) 490-1400  
FAX (847) 490-1403

## APPENDIX A

1. An absorbent garment comprising:  
a chassis including a front panel and a back panel;  
first and second side panels, each having a waist edge non-parallel with a leg edge when the first and second side panels are in a laid flat configuration, each of the side panels being releasably connected to the front and back panels, and defining with the chassis a waist opening and first and second leg openings;  
wherein the first side panel includes first and second fastening components, the second side panel includes third and fourth fastening components, the front panel includes first and third mating fastening components engageable with the first and third fastening components, and the back panel includes second and fourth mating fastening components engageable with the second and fourth fastening components.
2. The absorbent garment of Claim 1, wherein each of the fastening components comprises a hook material and each of the mating fastening components comprises a loop material.
3. The absorbent garment of Claim 1, wherein each of the fastening components comprises a loop material and each of the mating fastening components comprises a hook material.
4. The absorbent garment of Claim 1, wherein two of the fastening components and two of the mating fastening components each comprise a hook material, and two of the fastening components and two of the mating fastening components each comprise a loop material.
5. The absorbent garment of Claim 1, wherein the first and second side panels comprise a wipe material.

6. The absorbent garment of Claim 1, wherein the chassis comprises an elastic material.

7. The absorbent garment of Claim 6, wherein the first and second side panels comprise an elastic material.

8. The absorbent garment of Claim 6, wherein the first and second side panels comprise an inelastic material.

9. The absorbent garment of Claim 1, wherein the chassis comprises an inelastic material and the first and second side panels comprise an elastic material.

10. The absorbent garment of Claim 1, wherein the chassis comprises a disposable material.

11. The absorbent garment of Claim 10, wherein the first and second side panels comprise a disposable material.

12. The absorbent garment of Claim 10, wherein the first and second side panels comprise a durable material.

13. The absorbent garment of Claim 10, wherein the chassis comprises a flushable outer cover, a flushable body side liner, and a flushable absorbent assembly.

14. The absorbent garment of Claim 1, wherein the first and second side panels each comprise at least two pieces of material bonded to one another.

15. The absorbent garment of Claim 14, wherein at least one of the pieces of material is elastomeric and at least one of the pieces of material is non-elastomeric.



16. The absorbent garment of Claim 14, wherein said at least two pieces of material include a first non-elastomeric piece of material bonded to a second elastomeric piece of material and a third non-elastomeric piece of material bonded to the second elastomeric piece of material.

17. The absorbent garment of Claim 1, comprising a diaper.

18. The absorbent garment of Claim 1, comprising child training pants.

19. The absorbent garment of Claim 1, comprising an adult incontinence garment.

20. The absorbent garment of Claim 1, comprising swim wear.

21. An absorbent garment comprising:

an absorbent chassis including a front panel and a back panel;

first and second elastomeric side panels releasably connected to the front and back panels and defining with the chassis a waist opening and first and second leg openings, each of the first and second side panels having a waist edge non-parallel with a leg edge when the first and second side panels are in a laid flat configuration;

a first refastenable seam extending from the waist opening to the first leg opening between the first side panel and the front panel;

a second refastenable seam extending from the waist opening to the first leg opening between the first side panel and the back panel;

a third refastenable seam extending from the waist opening to the second leg opening between the second side panel and the front panel; and

a fourth refastenable seam extending from the waist opening to the second leg opening between the second side panel and the back panel.

22. The absorbent garment of Claim 21, wherein the first seam comprises a fastening material on an inner surface adjacent a distal edge of the front panel and a mating fastening material on a corresponding outer surface adjacent a distal edge of the first side panel.

23. The absorbent garment of Claim 21, wherein the first seam comprises a fastening material on an outer surface adjacent a distal edge of the front panel and a mating fastening material on a corresponding inner surface adjacent a distal edge of the first side panel.

24. The absorbent garment of Claim 21, wherein the second seam comprises a fastening material on an inner surface adjacent a distal edge of the back panel and a mating fastening material on a corresponding outer surface adjacent a distal edge of the first side panel.

25. The absorbent garment of Claim 21, wherein the second seam comprises a fastening material on an outer surface adjacent a distal edge of the back panel and a mating fastening material on a corresponding inner surface adjacent a distal edge of the first side panel.

26. The absorbent garment of Claim 21, wherein the third seam comprises a fastening material on an inner surface adjacent a distal edge of the front panel and a mating fastening material on a corresponding outer surface adjacent a distal edge of the second side panel.

27. The absorbent garment of Claim 21, wherein the third seam comprises a fastening material on an outer surface adjacent a distal edge of the front panel and a mating fastening material on a corresponding inner surface adjacent a distal edge of the second side panel.

28. The absorbent garment of Claim 21, wherein the fourth seam comprises a fastening material on an inner surface adjacent a distal edge of the back panel and a mating fastening material on a corresponding outer surface adjacent a distal edge of the second side panel.

29. The absorbent garment of Claim 21, wherein the fourth seam comprises a fastening material on an outer surface adjacent a distal edge of the back panel and a mating fastening material on a corresponding inner surface adjacent a distal edge of the second side panel.

30. The absorbent garment of Claim 21, wherein the absorbent chassis further comprises an outer cover that functions as a loop material.

31. The absorbent garment of Claim 21, wherein the absorbent chassis further comprises a flushable outer cover.

32. The absorbent garment of Claim 21, wherein the absorbent chassis further comprises a flushable body side liner.

33. The absorbent garment of Claim 21, wherein the absorbent chassis further comprises a flushable absorbent assembly.

34. An absorbent garment comprising:

a chassis including a front panel and a back panel, the front and back panels each having at least two fastening components bonded thereon, and partially defining a waist opening and first and second leg openings;

a first side panel including a substrate and at least two mating fastening components extending from the waist opening to the first leg opening, at least one of the mating fastening components releasably connected to at least one of the fastening components on one of the front and back panels; and

a second side panel including a substrate and at least two mating fastening components extending from the waist opening to the second leg opening, at least one of the mating fastening components releasably connected to at least one of the fastening components on one of the front and back panels;

wherein each of the first and second side panels has a waist edge non-parallel with a leg edge when the respective side panel is in a laid flat configuration.

35. The absorbent garment of Claim 34, wherein the fastening components comprise a hook material and the mating fastening components comprise a loop material.

36. The absorbent garment of Claim 34, wherein the fastening components comprise a loop material and the mating fastening components comprise a hook material.

37. The absorbent garment of Claim 34, wherein the first and second side panels comprise an elastic material.

38. The absorbent garment of Claim 34, wherein the first and second side panels comprise a wipe material.

39. The absorbent garment of Claim 34, wherein the first and second side panels each comprise at least one tearable, non-refastenable seam.

Serial No.: 09/784,292

Docket No.: KCC-15,171

40. The absorbent garment of Claim 34, wherein the chassis comprises a flushable outer cover, a flushable body side liner, and a flushable absorbent assembly.



✓  
**Board of Patent Appeals and Interferences**  
United States Patent and Trademark Office  
P.O. Box 1450, Alexandria, VA 22313-1450

P400/mrc

Please affix the USPTO receipt stamp hereon as evidence of receipt of the following enclosed papers.

- Appeal Brief Under 37 CFR 41.37 (19 pages)
- A check in the amount of \$340 in payment of the fee for the Appeal Brief Under 37 CFR 41.37

All by Certificate of Mailing dated 29 October 2004.

Applicants: Amy L. FLETCHER et al.  
Serial No.: 09/784,292  
Filing Date: 15 February 2001  
Title: GARMENT HAVING REMOVABLE SIDE PANELS  
Customer No. 35844

KCC-2080

Melanie I. Rauch

RECEIVED  
2004 NOV -3 PM 4:47  
BOARD OF PATENT APPEALS  
AND INTERFERENCES